

# STATE OF COLORADO

Bill Owens, Governor  
Jane E. Norton, Executive Director

*Dedicated to protecting and improving the health and environment of the people of Colorado*

## HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

<http://www.cdphe.state.co.us/hm/>

4300 Cherry Creek Dr. S.  
Denver, Colorado 80246-1530  
Phone (303) 692-3300  
Fax (303) 759-5355

222 S. 6th Street, Room 232  
Grand Junction, Colorado 81501-2760  
Phone (970) 248-7164  
Fax (970) 248-7198



Colorado Department  
of Public Health  
and Environment

September 20, 1999

Mr. Joe Legare  
US DOE RFCA Coordinator  
US Department of Energy, Rocky Flats Field Office  
10808 Highway 93, Unit A  
Golden, CO 80403-8200

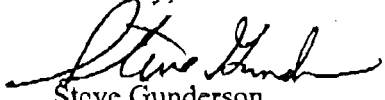
### Re: Draft Building 776/777 Decommissioning Operations Plan

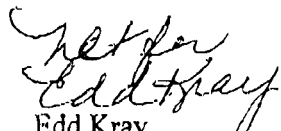
Dear Mr Legare:

Following are the comments from the Colorado Department of Public Health and Environment on the Building 776/777 Closure Project Decommissioning Operations Plan, Revision 0, Final Draft, dated July 7, 1999.

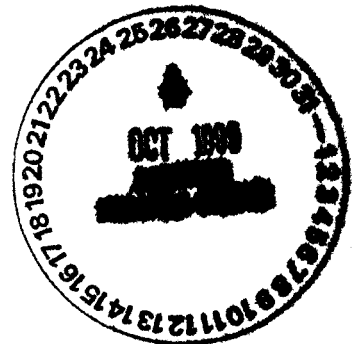
To date, comments from the US EPA have not been finalized. Such additional comments are in preparation and will be submitted separately within the very near future.

Sincerely,

  
Steve Gunderson  
RFCA Project Coordinator

  
Edd Kray  
CDPHE 776/777 Project Coordinator

cc: D. Miller, AGO  
R. Walker, KH  
T. Rehder, EPA



Best Available Copy

ADMIN RECCRD

1A- B776-A-00008

Y5

Comments:

1. (p12) As written the DOP does not provide for any form of demolition and that includes interior walls, which may be appropriate for removal during room-set D&D activities. We would have no objection to addition of provisions describing this selective removal of interior walls as determined by the collaborative IWCP process.

1. (p12, par 2) Delete "which may (emphasis added) include a modification to this DOP." Replace with "which will constitute a major modification to this DOP. In addition to the routine requirements for major modifications, this information on 776/777 demolition will be submitted for a public comment period equivalent to that for the initial 776/777 Decommissioning Operations Plan." Demolition details are part of the total scope of the originally reviewed and approved DOP and, therefore, subject to the routine public comment process. It is essential to CDPHE that the understandable delay in planning the demolition phase of this regulated project not allow the required public comment on demolition to be omitted. Since even a major modification, per RFCA, does not require public comment, it is essential that the commitment to this be included in this original DOP.

7a-b.(p26) In previous discussions, DOE has stated that future and additional sampling and analysis of the buried equipment in and under 776/777 does not fall under the CERCLA requirement for regulator approval of sampling and analysis plans. The state disagrees. To allow for timely progress on this decommissioning project the addition of the following language to the DOP will be acceptable: "Additional sampling and analysis plans for characterization of buried equipment within the 776/777 structure will be provided to the LRA for review and approval prior to such sampling. Work packages, currently undeveloped, for removal of equipment buried or cemented within the building structure will be shared with the regulators per the collaborative process."

8. (p33) The term "and" is necessary between the 2 criteria for categorization of a material as sanitary waste in section 4.4.1. If either criteria (a. surface contamination or b. volumetric contamination) is exceeded, the material cannot be disposed of in a sanitary landfill or free-released. As written the section results in two statements, neither of which by itself is correct. The LRA would be amenable to other possible language changes which would clarify the invalid-logic of the current wording

15-a. (p51) The LRA, in prior comments, objected to the statement that information and commitments in this chapter originally on "Health, Safety and the Environment" is nonenforceable. RFETS has responded by eliminating the term "environment" from the section, while maintaining the assertion that the information is non-enforceable. This is not the solution we envisioned when making the original comment. We do not believe that the DOP is the appropriate vehicle to discuss or make legal pronouncements on enforceability issues. If issues in this regard arise later (and hopefully they will not) they can be discussed, negotiated and resolved by legal staff separately.

As a solution to this issue, we recommend that the phrase "Although not enforceable" be deleted and replaced with a separate sentence acknowledging that: "DOE is the lead agency responsible for enforcement of Health and Safety provisions."

16. (p 61) Add to sec. 5.1.4.1: "Prior to various phases of decommissioning, readiness reviews of infrastructure, procedures and personnel will be completed by integrating contractor management. Upon satisfactory completion of these reviews, closure project personnel will be given permission to proceed with phases of the project. The LRA will be advised of the dates and times of these reviews and be provided full-opportunity to oversee and collaborate with reviewers." Language of this nature was present in draft E, and needs to be reinserted.

20. I am told that legal staff of both parties agree that the ARARs section is incomplete and needs further legal review. 776 DOP approval will be conditional based on further ARARs evaluations.

As the only regulation applying to decommissioning of nuclear facilities, the NRC regulation on decommissioning appears to be relevant and appropriate. Add this to the ARARS chart. Additionally, CDPHE has included equivalent provisions within its own Rules and Regulations Pertaining to Radiation Control, 6CCR 1007-1.1, et seq. reference to this should also be included as relevant and appropriate.

23. 24 (p113 and 115) ) Why does RFETS resist the LRA request to notify us in the event of schedule and management changes. Isn't this notification consistent with the collaborative process?

25a. (p116) Language on regulatory authority emphasizes RCRA authority and is light on decommissioning authority. We suggest the two be separated. Discuss RCRA authority in 1 paragraph and in a separate paragraph note that: "CDPHE regulates decontamination and decommissioning."

28. (endpoints, p135-187) Endpoints are often generically described in the "major endpoints" charts and this may lead to misunderstandings regarding acceptable completion of work sets. For example, work sets generically include "control contamination" as an end point. CDPIIE finds this endpoint unclear and, actually, not an end-point at all but rather an activity that occurs throughout the D&D process.

The DOP endpoint chart needs to better define the endpoint for this activity. CDPHE suggests that the endpoint be redefined as "remove all contamination and contaminated materials." This change in endpoint language will be needed selectively within most workset descriptions

29. (sec 4.0 Project approach) - "the overall goal of the building 776/777 Closure Project is to have all buildings within the Cluster emptied and demolished to slab on grade, with subsurface

penetrations capped." Is this truly the end-state for building 776/777 and the cluster facilities? Per recent discussions with site representatives, isn't the Site's proposed plan to remove the slab and foundations to at least 3 feet below grade?

Slab removal should be considered part of D&D vs ER, especially in light of the buried equipment identified in section 4.3.2.1 of this DOP.

Note that CDPHE will soon transmit a proposed slab policy which will better define our expectations.

30. (Table 6: RCRA Regulated Units) : Several rooms (e.g., 134, 127, 430 et.al) have their proposed closure deferred until remediation. As written, IHSS remediation is to be performed following demolition. If this is true, how can closure of these rooms be deferred to IHSS remediation? Define when and how closure of these rooms will occur.

#### Waste Management

31. (4.5.1.2) The "debris-rule" is applicable provided the equipment meets the definition of debris.

32. (4.5.2) The revised DOP no longer requires the submittal of a waste management plan. DOE's response to our previous comment stated that "elements of the waste management plan are now contained in Section 6 (of the DOP)." Section 6 of this DOP fails to identify how waste will be managed (process vs remediation waste). Simply stating that process waste will be managed in accordance with CHWA/RCRA requirements and remediation waste managed in accordance with CERCLA is unacceptable. To date, the Site has been unable to clearly define CERCLA remediation waste management requirements at an operations level. The Site must develop an implementing procedure(s) clearly defining appropriate CERCLA management requirements (e.g. generation, storage, treatment, packaging, etc). The issue of CERCLA vs RCRA waste management has been an issue the Site has failed to resolve over the past 6 months (specifically in Bldg 771). I strongly recommend discussing this issue with 771 representatives in hopes of cooperatively generating specific operating procedures for building personnel to utilize (ideally Sitewide). Once developed, this operating procedure should act as the major portion of a waste management plan for each building.

33. (6.1.1) The DOP has deferred closure of the basement to remediation of the surrounding IHSS. Elaborate on how the Site intends to deal with the slab/foundation and basement D&D vs the activities which will be deferred to ER.

34. (6.5): The DOP proposes the use of temporary units (TUs) for staging, storage and treatment. Specifically, this section includes the following processes: size reduction, filtration of aqueous wastes, amalgamation of radioactive mercury, crushing of fluorescent bulbs and waste solidification. What is the mechanism to authorize these activities? The Site's plan to utilize

temporary units must include the substantive requirements of Section 264.553 (c) of the Colorado Hazardous Waste Regulations. The information currently included in this DOP is insufficient to authorize treatment in temporary units. In order to utilize a TU, this information must either be included in the DOP or submitted to the Division separately. In addition, what advantage does the Site gain by utilizing a TU?